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<p style="text-align: right;">Page 5</p> <p>1 INDEX</p> <p>2 PAGE</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Appearances..... 2</p> <p>NANCY CLEBURN</p> <p>EXAMINATION BY MR. HILL..... 7</p> <p>EXAMINATION BY MR. GREENFIELD.....21</p> <p>Witness's Signature Page..... 23</p> <p>Reporter's Certificate Page..... 26</p> <p>EXHIBITS</p> <p>NO. DESCRIPTION PAGE</p> <p>10 - Disability Discrimination & Workplace Accommodation Policy.....11</p>	<p style="text-align: right;">Page 7</p> <p>1 NANCY CLEBURN,</p> <p>2 having been first duly sworn, testified as</p> <p>3 follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. HILL:</p> <p>6 Q. Ms. Cleburn, can I get you to introduce</p> <p>7 yourself for the jury?</p> <p>8 A. Certainly. My name is Nancy Cleburn.</p> <p>9 Q. And what, what is your job, Ms. Cleburn?</p> <p>10 A. I work for Southwest Airlines, and I am a</p> <p>11 team leader of the accommodations team.</p> <p>12 Q. Are there multiple team leaders in the</p> <p>13 accommodations team?</p> <p>14 A. No.</p> <p>15 Q. You're, you're the one that's in charge?</p> <p>16 A. Yes, I am the team leader, yes.</p> <p>17 Q. Okay. How long have you been in that</p> <p>18 role?</p> <p>19 A. I've been in this role for about three</p> <p>20 years.</p> <p>21 Q. So you started it in 2019?</p> <p>22 A. Yes.</p> <p>23 Q. What did you do before then?</p> <p>24 A. Before then, I was a team leader of the</p> <p>25 new hire and front lobby of Southwest Airlines for</p>
<p style="text-align: right;">Page 6</p> <p>1 THE VIDEOGRAPHER: We're going on the</p> <p>2 record June 29th, 2022 for the deposition of Nancy</p> <p>3 Cleburn in a case styled Charlene Carter versus</p> <p>4 Southwest Airlines Company and Transport Workers</p> <p>5 Union of America, Local 556, Civil Case</p> <p>6 3:17-cv-02278-X in the United States District</p> <p>7 Court for the Northern Dics -- District of Texas,</p> <p>8 Dallas Division.</p> <p>9 The time is approximately 10:59. Will</p> <p>10 counsel state their appearances, locations, and</p> <p>11 stipulations or agreements for the record;</p> <p>12 following, will the court reporter please swear in</p> <p>13 the witness.</p> <p>14 MR. HILL: Matt Hill for plaintiff,</p> <p>15 Charlene Carter, and Matt Gilliam is also for</p> <p>16 Ms. Carter. Mr. Gilliam is in Virginia, and I'm</p> <p>17 in Rockwall, Texas.</p> <p>18 MR. MAMMONE: Joseph Mammone for</p> <p>19 defendant Southwest Airlines Co. I'm in Dallas,</p> <p>20 Texas.</p> <p>21 MR. GREENFIELD: Adam Greenfield on</p> <p>22 behalf of Transport Workers Union, Local 556. I'm</p> <p>23 in Dallas, Texas. As well as Edward Cloutman,</p> <p>24 III, also on behalf of the union, who is also in</p> <p>25 Dallas, Texas.</p>	<p style="text-align: right;">Page 8</p> <p>1 the people department.</p> <p>2 THE REPORTER: I'm sorry, I didn't</p> <p>3 understand that. I was a team leader for the new</p> <p>4 hire and what?</p> <p>5 A. Front lobby, so the welcome lobby for the</p> <p>6 people department.</p> <p>7 Q. Did you have any role with the</p> <p>8 accommodations team in 2017?</p> <p>9 A. No, I did not.</p> <p>10 Q. Okay. What -- and, and your first role,</p> <p>11 your -- the first time that you had a, a role with</p> <p>12 the accommodations team was in 2019; is that</p> <p>13 right?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. One of the accommodations that the</p> <p>16 accommodation team handles is religious</p> <p>17 accommodations, right?</p> <p>18 A. Yes, that's correct.</p> <p>19 Q. Can you give me an example of religious</p> <p>20 accommodation that Southwest has provided to an</p> <p>21 employee?</p> <p>22 A. One that I can think of is that we have</p> <p>23 given accommodations to individuals that ask for</p> <p>24 an accommodation to wear headdress along with</p> <p>25 their uniform when they perform their jobs, and we</p>

<p style="text-align: right;">Page 9</p> <p>1 have ap -- approved those accommodations. 2 Q. What do you consider the role of the 3 accommodation team to be? 4 A. The accommodation team is a, a team that 5 assists employees with accommodations that will 6 assist them to do their essential job duties or 7 function. 8 Q. Is it also known as the ACT team? 9 A. Yes, we have been known as the ACT team as 10 well. 11 Q. Tell me about your process for providing 12 accommodations. 13 A. Accommodations typically come in through 14 what we call the employee service center, so an 15 employee would go out and log a request; employees 16 also often e-mail us to our team mailbox; and we 17 get accommodation requests from leaders who are 18 letting us know that one of their employees may 19 need an accommodation. That's the, the -- 20 Q. Okay. 21 A. -- the three normal ways that we get that. 22 Q. Okay. So two of those ways are the 23 employee is somehow requesting an accommodation, 24 and one is a leader sees an accommodation that's 25 needed by an employee and identifies that for you,</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. In terms of acts of discrimination based 2 on religion, is that something that the 3 accommodations team has any role in addressing or 4 investigating? 5 A. Could you repeat the question? 6 Q. Acts of discrimination based on religion, 7 is that something that the accommodations team has 8 any role in investigating or addressing? 9 A. Not -- I don't know. Not that I'm aware 10 of. 11 Q. So, so the ACT team's sole role is to 12 investigate whether a accommoda -- is when a 13 leader or a -- or an employee raises the issue to 14 them, they investigate whether the accommodation 15 is a reasonable one, given Southwest policies? 16 A. Yes, and depending upon the circumstances. 17 Q. Okay. I'm going to show you an exhibit. 18 It is Trial Exhibit 10. 19 (Exhibit 10 marked). 20 Q. Do you see Trial Exhibit 10? 21 A. I, I see it now. 22 Q. Is that Southwest's disability 23 discrimination and accommodation policy? 24 A. It is. 25 Q. You're familiar with this policy?</p>
<p style="text-align: right;">Page 10</p> <p>1 right? 2 A. Yes. An accommodation they may need, they 3 may -- they think the employee may need. 4 Q. And who are these leaders? 5 A. It depends on the circumstances. It could 6 be their supervisor or above. 7 Q. Okay. So someone that, that the person 8 reports up to at some level, directly or 9 indirectly? 10 A. Yes, typically. Yes. 11 Q. Okay. So are you ever consulted before 12 someone is terminated for engaging in a religious 13 practice? 14 A. No. 15 Q. That's not something the accounta -- I'm 16 sorry, that's not something the accommodations 17 team does? 18 A. No, not in my experience. 19 (Mr. McKeeby joins the Zoom). 20 Q. Are you ever asked about a religious 21 accommodation in con -- connection with employee 22 terminations? 23 A. I don't know. Not that I'm aware of. 24 Q. You've never been asked? 25 A. No. Not that I have been, huh-uh.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Yes, I am familiar with this policy. 2 Q. Has that policy been the same since 2017? 3 A. As far as I'm aware, yes. 4 Q. I've highlighted a couple of things in 5 this exhibit for you. One thing it says here is 6 that Southwest provides other reasonable work -- 7 workplace accommodations as required by law or 8 otherwise approved by Southwest leadership. 9 Do you see that? 10 A. Yes, I do. 11 Q. So there are -- so the way I understand 12 that, there's two different ways that, that 13 Southwest might grant an accommodation; one is if 14 it's required to by law, and, two, if it's not 15 required by law, then it's up to the discretion of 16 leadership. Is that your understanding of that? 17 A. I -- that is what I -- what it -- what I 18 read, yes. 19 Q. That's -- and that's how you apply it in 20 terms of your role at the accommodations team, 21 right? 22 A. It depends on the circumstances that the 23 individual brings, but, but, yes, we do it as 24 required by law. As far as I know, yes. 25 Q. Okay. And, and I want to point to the</p>

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1 second thing that I've highlighted there where
2 it -- you're, you're providing accommodations
3 because of employees' religious beliefs but also
4 because of their practices, right?
5 MR. MAMMONE: Objection, calls for a
6 hypothetical.
7 A. It, it could be a practice.
8 Q. That's part of the policy, right, is that
9 you're accommodating practices?
10 A. That is what I see.
11 Q. And that's how you apply it in terms of
12 your, your role at the ACT team?
13 A. Depending on the circumstances of, of the
14 case and of the situation, yes.
15 Q. Do you sometimes not apply that, that --
16 do you sometimes choose not to accommodate
17 religious practices?
18 A. We look at --
19 MR. MAMMONE: Objection, calls for a
20 hypothetical.
21 You can answer.
22 A. We look at every case based on its own
23 merits. So every case is dependent upon that
24 case. We don't apply it across the board. It
25 depends on that case.

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1 Q. But if there's a reasonable accommodation
2 available, you provide it; is that right?
3 A. Yes. We do everything we can, yes.
4 Q. Well, that wasn't a -- that, that you
5 qualified that. That's not a yes.
6 Are there times when you don't provide
7 a reasonable accommodation where there is one?
8 MR. MAMMONE: Objection, calls for a
9 hypothetical.
10 You may answer.
11 A. There are cases in which we are not able
12 to accommodate. That's occa -- occasionally.
13 Q. Even where a reasonable accommodation
14 exists?
15 MR. MAMMONE: Objection, calls for a
16 hypothetical.
17 You may answer.
18 A. If there is a reasonable accommodation to
19 be made, we, we make it.
20 Q. Okay. Do you know who Charlene Carter is?
21 A. I do not.
22 Q. Have you ever heard that name?
23 A. Not before I was asked about this case,
24 to, to -- for this case.
25 Q. When you say you were asked for this case,

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1 are you talking about by attorneys or are you
2 talking about previous to that?
3 A. No, attorneys.
4 Q. Okay. So when -- so, so when in time did
5 you learn -- did you first learn that, that, that
6 she was terminated?
7 A. At the time that I received that
8 information from the attorney, which was about a
9 week ago.
10 Q. Okay. Did you ever, did you ever learn
11 that it was contemplated that she might be
12 terminated before, before that time?
13 A. No.
14 Q. Okay. Mike Sims testified that he asked
15 you if Ms. Carter had ever sought an accommodation
16 for religious purposes with the ACT team. Is that
17 true?
18 A. Not that I recall.
19 Q. Do you recall ever having a conversation
20 with Mike Sims about in -- about, about Ms. Carter
21 at all?
22 A. Not that I recall.
23 Q. Is that something that happens sometimes
24 in the context of an employee termination, that
25 someone comes to you and asks whether, whether

Page 16

1 that employee has sought a rel -- a, a -- an
2 accommodation?
3 MR. MAMMONE: Objection, calls for a
4 hypothetical.
5 You may answer.
6 A. Not necessarily with a termination. I do
7 occasionally have leaders that ask me if an
8 individual has asked for an accommodation.
9 Q. Okay. Okay. So let me, let me, let me
10 make sure that I understand what would happen in
11 the context of a termination. Your team would not
12 evaluate whether -- so, so if an employ -- if, if
13 neither a leader nor an employee had requested an
14 accommodation, your team wouldn't have any role in
15 evaluating whether Southwest policy could
16 accommodate a religious practice, right?
17 A. That is correct.
18 Q. And if an employee or a leader had not
19 asked for -- had, had not requested an
20 accommodation from your team, you wouldn't
21 evaluate the reasonableness of any accommodation
22 that could be provided for that employee; is that
23 right?
24 A. That is correct.
25 MR. MAMMONE: Objection.

<p style="text-align: right;">Page 17</p> <p>1 Q. If an employee -- if neither an employee 2 nor a leader had requested an accommodation, you 3 wouldn't evaluate whether an employee had a bona 4 fide religious belief that conflicted with a 5 employment requirement? 6 MR. MAMMONE: Objection, calls for a 7 hypothetical. 8 You may answer. 9 A. We -- no, we would have to have the, the 10 circumstances of the, of the request. 11 Q. And without a request, your team doesn't 12 do anything? 13 A. Not that I'm aware of. 14 Q. Where, where there's no request from a -- 15 from an employee or a leader, your team wouldn't 16 evaluate whether a religious belief conflicted 17 with a -- with an employment requirement, would 18 they? 19 MR. MAMMONE: Objection, calls for a 20 hypothetical. 21 A. Could you repeat the question? 22 Q. Without a request for an accommodation 23 from a leader or from an employee, you and your 24 department would not evaluate whether a religious 25 belief con -- conflicted with an employment</p>	<p style="text-align: right;">Page 19</p> <p>1 hypothetical. 2 A. Yeah, not, not, not -- no, not that I know 3 of. 4 Q. Okay. What is your home address, 5 Ms. Cleburn? 6 A. 2002 Ola Lane in Grand Prairie, Texas 7 75050. 8 Q. Can you spell Ola? 9 A. O-L-A. 10 Q. What did you do to prepare for this 11 deposition? 12 A. I did a prep with the attorneys. 13 Q. And when was that? 14 A. That was Monday. 15 Q. Is that the only time you met with the 16 attorneys? 17 A. Yes. 18 Q. Did you do, did you do anything else to 19 prepare? 20 A. No. 21 Q. Did you review any documents in 22 preparation for this deposition? 23 A. I did look at the discrimination workplace 24 policy. 25 Q. The Exhibit 10 that I showed you?</p>
<p style="text-align: right;">Page 18</p> <p>1 requirement, would you? 2 MR. MAMMONE: Same objection. 3 A. Not that I'm aware of, no. 4 Q. Without a request from a leader or an 5 employee, your department wouldn't evaluate 6 whether an employee was being discharged for 7 failing to comply -- comply with a conflicting 8 requirement, would they? 9 MR. MAMMONE: Objection, calls for a 10 hypothetical. 11 A. Not that I'm aware of. 12 Q. Your, your policy -- and, and let's take a 13 quick look at that again. Your policy on Trial 14 Exhibit 10 requires that where a leader is -- 15 let's see, it, it, it talks about an interactive 16 process that you engage in with the employee, 17 doesn't it? 18 A. Yes. 19 Q. And that, that interactive process -- you 20 wouldn't engage in that interactive process to 21 determine whether an, whether an accommodation was 22 available without a, without a request -- without a 23 specific request from an employee or a leader, 24 right? 25 MR. MAMMONE: Objection, calls for a</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Yes. 2 Q. Is there anything else you looked at? 3 A. No. 4 Q. We may be close to done. Let me, let me 5 take a quick break, and we'll come back. 6 A. Thank you. 7 THE VIDEOGRAPHER: Going off the 8 record at 11:15. 9 (Recess). 10 THE VIDEOGRAPHER: We're back on the 11 record with Clip 2 at 11:19. 12 Q. Oh, Ms. Cleburn, where are you gonna be 13 next week? 14 A. I -- I'm -- I have an -- a vacation 15 scheduled for next week to go to my -- to see my 16 sister in Florida. 17 Q. And what about the following week? And 18 the next week is the week of July 4th -- 19 A. 4th. 20 Q. -- right? 21 A. Yes. 22 Q. And, and what about the week of July 11th? 23 A. The following week I'm -- I have a 24 vacation plan to go and take care of my parents in 25 Oklahoma City.</p>

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1 Q. Are there any days on either of the week
2 of the 4th or the week of the 11th that you'll be
3 in town?
4 A. No. I will be out.
5 MR. HILL: Okay. I don't have any
6 further questions.
7 MR. MAMMONE: No, no questions.
8 MR. GREENFIELD: I have a few. This
9 is Adam Greenfield speaking.
10 EXAMINATION
11 BY MR. GREENFIELD:
12 Q. Good morning, Ms. Cleburn. My name is
13 Adam Greenfield. I'm one of the attorneys
14 representing TWU Local 556.
15 Do you understand I am and whom I
16 represent?
17 A. Yes.
18 Q. Okay. I just have a, a couple of
19 questions for you.
20 In regard to workplace accommodations,
21 can the union dictate what a workplace
22 accommodation would be for a flight attendant?
23 A. Not that I'm aware of, no.
24 Q. Has the union ever dictated in your
25 experience what a workplace accommodation would be

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1 for a flight attendant?
2 A. No.
3 MR. GREENFIELD: No more questions.
4 MR. HILL: Nothing further from me.
5 THE VIDEOGRAPHER: Anyone else? Going
6 off the record at 11:20.
7 THE REPORTER: Okay. Signature?
8 MR. MAMMONE: Yes, reserve the right
9 to read and sign.
10 THE REPORTER: And does anyone want to
11 purchase a copy?
12 MR. GREENFIELD: The union would.
13 MR. MAMMONE: We'll -- Southwest will
14 take a condensed copy.
15 MR. GREENFIELD: Same on the
16 condensed. Thank you.
17 (Deposition concluded at 11:21 a.m.)
18
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Page 23

1 CHANGES AND SIGNATURE
2 WITNESS NAME: NANCY CLEBURN
3 DATE: JUNE 29, 2022
4 PAGELINE CHANGE REASON
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
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24 _____
25 _____

Page 24

1 _____
2 _____
3 _____
4 I, NANCY CLEBURN, have read the foregoing
5 deposition and hereby affix my signature that same
6 is true and correct, except as noted above.
7
8
9
10
11 _____
12 NANCY CLEBURN
13
14
15 THE STATE OF _____
16 COUNTY OF _____
17
18 Before me, _____, on
19 this day personally appeared NANCY CLEBURN, known
20 to me (or proved to me under oath or through
21 _____) (description of
22 identity card or other document)) to be the person
23 whose name is subscribed to the foregoing
24 instrument and acknowledged to me that they
25 executed the same for the purposes and

Page 25

1 consideration therein expressed.
2 Given under my hand and seal of office
3 this _____ day of _____,
4 _____.
5
6
7
8 NOTARY PUBLIC IN AND FOR
THE STATE OF _____
COMMISSION EXPIRES: _____
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF TEXAS
3 DALLAS DIVISION
4 CHARLENE CARTER,)
5 Plaintiff,)
6 VS.) CIVIL ACTION
7) NO.: 3:17-cv-02278-X
8 SOUTHWEST AIRLINES CO.,)
and TRANSPORT WORKERS)
UNION OF AMERICA, LOCAL)
556,)
9 Defendants.)
10
11 REPORTER'S CERTIFICATION
12 DEPOSITION OF NANCY CLEBURN
13 JUNE 29, 2022
14
15 I, Melody A. Monk, Certified Shorthand
16 Reporter in and for the State of Texas, hereby
17 certify to the following:
18 That the witness, NANCY CLEBURN, was duly
19 sworn by the officer and that the transcript of
20 the oral deposition is a true record of the
21 testimony given by the witness;
22 That the deposition transcript was submitted
23 on July 1, 2022 to the witness or to the attorney
24 for the witness for examination, signature and
25 return to me by August 1, 2022;


Page 27

1 That the amount of time used by each party at
2 the deposition is as follows:
3 MATTHEW D. HILL.....00 HOUR(S):15 MINUTE(S)
4 ADAM S. GREENFIELD.....00 HOUR(S):03 MINUTE(S)
5
6 That pursuant to information given to the
7 deposition officer at the time said testimony was
8 taken, the following includes counsel for all
9 parties of record:
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9
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11 Cloutman & Greenfield, PLLC
12 3301 Elm Street
13 Dallas, Texas 75226
14 Agreenfield@candglegal.com
15
16 That \$ _____ is the deposition officer's
17 charges to the Plaintiff for preparing the
18 original deposition transcript and any copies of
19 exhibits;
20 I further certify that I am neither counsel
21 for, related to, nor employed by any of the
22 parties or attorneys in the action in which this
23 proceeding was taken, and further that I am not
24 financially or otherwise interested in the outcome
25 of the action.
26 Certified to by me this 30th day of June,
27 2022.
28
29
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31
32
33
34
35

Melody A. Monk, RPR
Texas CSR No. 3613
Expiration Date: 10/21/2022



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8 (Page 29)

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